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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1997/56

Introduction

1. At its fifty-third session, the Commission on Human Rights adopted resolution 1997/56, entitled "Cooperation with representatives of United Nations human rights bodies". In this resolution, the Commission reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies. It also expressed concern at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms.

2. In the same resolution, the Commission urged Governments to refrain from all acts of intimidation or reprisal against: (a) those who sought to cooperate or had cooperated with representatives of United Nations human rights bodies, or who had provided testimony or information to them; (b) those who availed or had availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who had provided legal assistance to them for that purpose; (c) those who submitted or had submitted communications under procedures established by human rights instruments; and (d) those who are relatives of victims of human rights violations.

3. The Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way and to help prevent the occurrence of such intimidation or reprisals. The same bodies were also asked to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard.

4. The Commission invited the Secretary-General to submit to the Commission at its fifty-fourth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution.

I. ALLEGATIONS OF INTIMIDATION AND REPRISALS RECEIVED PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 1997/56 AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES

5. This section contains a summary of the information received pursuant to resolution 1997/56. It covers a variety of situations in which persons have been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, availed themselves of international procedures, provided legal assistance for this purpose, and/or for being relatives of victims of human rights violations. It does not include cases of human rights violations against human rights defenders per se.

6. In cases in which the victims, whether individuals or organizations, had been in contact with one of the bodies or mechanisms of the Commission on Human Rights, action was generally taken for their protection by the pertinent body or the representative in charge of the relevant mandate of the Commission. In the majority of such cases urgent communications were addressed to the Government concerned. The prompt intervention procedure is described in a previous report to the Commission (E/CN.4/1992/29, paras. 14-18).

7. It is to be emphasized that information included in this report is also reflected in the latest reports presented by each mechanism to the General Assembly or the Commission on Human Rights.

8. As in former years, acts of reprisals reported ranged from veiled threats to extrajudicial killings. Alleged victims were private individuals or members of non-governmental organizations which were or had been sources of information about human rights violations for United Nations human rights bodies. Allegations of cases where persons who had personally met with representatives of United Nations human rights bodies subsequently suffered reprisals for having done so have continued and are most disturbing.

A. Human Rights Committee (see CCPR/C/SR.1632)

9. In its concluding observations to the report presented by Belarus to the Human Rights Committee, the Committee expressed concern about reports of intimidation and harassment of human rights activists by the authorities, including their arrest and the closure of certain non-governmental organizations offices (see CCPR/C/61/cmt/bel/3).

10. In this context, the Committee was informed about the detention on 23 October 1997 of Tatyana Protko, head of the Belorussian Helsinki Committee, by the police in Belarus. Allegedly, as a result, she was unable to attend the session and brief the members of the Committee. Reportedly, the tribunal which sentenced her mentioned in its judgement that she had prepared a report addressed to the Human Rights Committee.

B. Special Rapporteur on extrajudicial, summary or arbitrary executions (see E/CN.4/1998/68/Add.1)

11. The Special Rapporteur intervened on behalf of persons who had cooperated with representatives of United Nations human rights bodies and who had received death threats or whose right to life was said to be at risk. In the cases described below, the Special Rapporteur requested the Governments concerned to take all the necessary measures to protect the right to life and physical integrity of the persons at risk. In one particular case, members of a non-governmental organization who had cooperated with the Special Rapporteur on several occasions were killed.

Colombia

12. Members of human rights organizations who have cooperated with United Nations human rights mechanisms, and particularly with the Special Rapporteur, have been victims of harassment and death threats by members of the security forces or paramilitary groups cooperating with them. The Special Rapporteur expressed particular concern at the increasing number of allegations of death threats against human rights activists in Colombia. According to the information received, human rights activists are very often perceived by security forces as collaborators or auxiliaries of the guerrilla.

13. The Special Rapporteur sent urgent appeals on behalf of the following human rights activists, who were said to be at risk of suffering reprisals:

(a) Belén Torres Cárdenas y Raúl Emilio Ramos, members of the Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción ANUC-UR after they provided information on the situation of the internally displaced persons in Colombia to several mechanisms of the Commission on Human Rights;

(b) Gustavo Gallón Giraldo, director of the Comisión Colombiana de Juristas, after he had been accused of drug trafficking, during a debate in the Human Rights Commission of the Senate concerning the opening of an Office of the High Commissioner for Human Rights in Colombia. The Special Rapporteur had already sent an urgent appeal on his behalf in 1996 after he had been accused of providing information to the High Commissioner on Human Rights with the aim of damaging the image of the armed forces.

14. In addition, the Special Rapporteur transmitted an urgent appeal on behalf of members of the Centro de Investigación y Educación popular (CINEP) following the killing of some of its members, Carlos Mario Calderón, his wife, Elsa Constanza Alvarado, and her father Carlos Alvarado Pantoja. CINEP had cooperated with the Special Rapporteur on several occasions.

D. Working Group on Enforced or Involuntary Disappearances (see E/CN.4/1998/43)

15. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and private individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases.

16. In this context, the Working Group sent urgent communications to Governments (prompt intervention procedure), urging the authorities to adopt protection measures, in cases in which relatives of missing persons or other individuals or organizations who have cooperated with the Working Group, as well as their legal counsel, were being subjected to intimidation, persecution or reprisals, in accordance with resolution 1996/70. In such cases, the Working Group requested to be informed of investigations carried out and protection measures adopted (see E/CN.4/1997/34).

Mexico

17. In accordance with its prompt intervention procedure, the Working Group sent a communication requesting the Government of Mexico to ensure the protection of the basic human rights of Silverio García, who was being harassed and threatened by members of the army in Atoyac de Alvarez, after he filed a complaint on the disappearance of Martin Barrientos Ponce.

Colombia

18. The Working Group called to the Government's attention to the harassment to which the family of a missing person was being subjected. According to the information received, the harassment was in connection with their intervention in the penal proceedings against members of the police allegedly involved in the case. Moreover, a friend of the missing person and witness to the proceedings was reportedly killed in February 1997. The Working Group also expressed concern to the Government in connection with information received indicating that in June 1997, a bomb had exploded in the building where the Association of Relatives of Disappeared Detainees in Medellin has its offices. Several persons were injured and the Association's files were destroyed. This Association has actively cooperated with the Working Group. No information or comments were received from the Government in connection with any of these incidents.

D. Working Group on Arbitrary Detention (see E/CN.4/1998/64)

Viet Nam

19. By letter dated 12 August 1997 the Working Group transmitted the case of Ngoc An Phan (religious name Thich Khong Tanh), reportedly detained on 6 November 1994, and accused of, inter alia, having provided information to the President of the Working Group on Arbitrary Detention, Mr. Louis Joinet during his visit to Viet Nam in October 1994. Reportedly on 15 August 1995 he was found guilty on several charges, including that of "communicating material abroad" and was sentenced to 5 years imprisonment.

E. Special Rapporteur on the question of religious intolerance (A/52/477 para. 26)

China

20. The Special Rapporteur sent an urgent appeal requesting information on the detention of Yulo Dawa Tsering, a Tibetan monk, whom the Special Rapporteur had met with during his visit to China in 1995. (See E/CN.4/1996/95, para. 40 and E/CN.4/1996/57, para. 30). The Chinese Government replied to the urgent appeal by denying the Special Rapporteur's allegation that Mr. Yulo Dawa Tsering was under house arrest and deprived of his right to freedom of movement, expression and religion.

F. Special Rapporteur on the situation of human rights in Zaire (now Democratic Republic of the Congo) (see E/CN.4/1998/64 and 65)

21. The Special Rapporteur received information concerning harassment, detentions and other violations of human rights committed by members of the AFDL (Alliance des forces démocratiques pour la libération du Congo-Zaïre) against those who had cooperated with the Special Rapporteur, the joint investigative mission on massacres occurring in eastern Zaire, as well as with the Investigative Team of the Secretary-General. These included:

(1) Bertin Lukando, President of the Coordination Régionale des organisations non gouvernementales de développement (CRONGD) of Maniema and member of the human rights organization Haki Za Binadamu, as well as Ramazani Diomba, Executive Secretary of CRONGD. According to the information received, they were reportedly detained on charges of having informed the United Nations about massacres committed by the ALDF.

(2) Bosange Yema, journalist, reportedly detained on 18 November 1997 accused of being an agent working for the Investigative Team of the Secretary-General. He was reportedly released after two days.

(3) Roger Nsala Nzo Badila, Secretary-General of the Centre National des Droits de l'Homme (CENADHO), detained on 23 November 1997 for 48 hours on charges of cooperating with the Investigative Team of the Secretary-General.

22. Further, the Special Rapporteur was informed that on 10 November 1997, the Comité d'Observateurs des Droits de l'Homme (CODHO) in Kinshasa was reportedly raided by security agents allegedly because of a letter the organization had transmitted to the Investigative Team of the Secretary-General.

23. In addition, it was also brought to the Special Rapporteur's attention that at the end of November 1997, during a meeting with non-governmental organizations and the Minister of Social Affairs, an advisor to the Minister stated that all the problems the Government was having with the United Nations were due to Guillaume Ngefa, President of the Association Zaïroise pour la Defénse des Droits de l'Homme (AZADHO). He further stated that should he go back, he would be killed.

G. Special Rapporteur on the situation of human rights in the Sudan (see E/CN.4/1998/66)

24. The Special Rapporteur was informed that in September 1996, Osman Idris Fadlallah, two weeks after he met the Special Rapporteur in Khartoum at the United Nations Development Programme (UNDP) Offices, was twice intercepted on the street by members of the Sudanese security forces. The second time, he was taken to the security headquarters, where he was threatened and beaten. In August 1997, he was refused an exit visa for medical treatment.

II. JOINT ACTIONS UNDERTAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES

Sudan

25. The Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteur on questions relating to torture and the Special Rapporteur on violence against women transmitted an urgent appeal to the Government of Sudan. According to the information received, on 1 December 1997 a group of approximately 50 women arrived outside the gate of the UNDP compound in Khartoum to attempt to present a statement to the United Nations Secretary-General through the United Nations coordinator in Sudan against the compulsory military conscription of their sons and brothers to fight the civil war in southern Sudan. Allegedly the women were brutally assaulted and beaten with sticks and rubber hoses by police and security officers. Further, it was alleged that approximately thirty-four of these women were tried the same day and convicted of public offences. They were each fined 10,000 Sudanese pounds, flogged with 10 strokes and then released from detention.